

**REMARKS**

This Amendment is in response to the Final Office Action dated March 11, 2004. Claims 25-30 are pending after entry of the Amendment.

The Examiner rejected claims 1-50 under 35 U.S.C. §§ 102 and 103. Claims 1-24 and 31-50 have been canceled without prejudice. Applicants' response therefore addresses only the rejection of claims 25-30.

The Examiner rejected claims 25-28 under 35 U.S.C. § 102(e) as being anticipated by Houser et al. US 2002/0035361. The Examiner rejected claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over the same Houser publication. Claim 25 recites a method of treating dilated cardiomyopathy including the step of advancing a constriction device into the coronary sinus until the constriction device at least partially encircles the mitral valve of the heart. The Houser publication, on the other hand, describes a method that delivers a device through the wall of the coronary sinus. The Houser device does not encircle the mitral valve at all while it is in the coronary sinus. Houser does not anticipate the method recited in claim 25, and claims 25-30 are therefore patentable over Houser under §§ 102 and 103.



Appl. No. 09/751,271  
Amdt. Dated April 22, 2004  
Reply to Office Action of March 11, 2004

### CONCLUSION

Applicants respectfully submit that the instant application is in condition for allowance. Please direct all questions and correspondence to the undersigned attorney of record in this case.

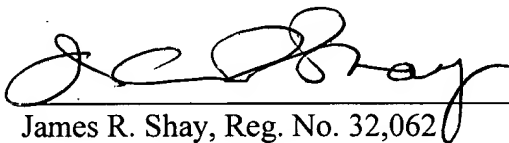
The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 29912.701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: \_\_\_\_\_

4/22/04



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